

FIRST REGULAR SESSION

SENATE BILL NO. 413

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time January 31, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1795S.011

AN ACT

To amend chapters 324 and 640, RSMo, by adding thereto four new sections relating to septage pumpers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 324 and 640, RSMo, are amended by adding thereto
2 four new sections, to be known as sections 324.760, 324.763, 324.766, and
3 640.237, to read as follows:

**324.760. As used in sections 324.760 to 324.766, the following
2 terms shall mean:**

3 (1) "Department", the department of natural resources;

4 (2) "Septage", materials, such as human excreta and wastewater,
5 including bath and toilet waste, commercial or residential laundry
6 waste, commercial or residential kitchen waste, and other similar waste
7 from household or establishment appurtenances, and wastes removed
8 from a septic tank. Sewage and domestic sewage waste are further
9 categorized as:

10 (a) "Blackwater", waste carried off by toilets, urinals, and kitchen
11 drains; and

12 (b) "Graywater", all domestic waste not covered in paragraph (a)
13 of this subdivision, including bath, lavatory, laundry, and sink waste;

14 (3) "Septage pumper", any corporation, limited liability company,
15 partnership, or individual that removes commercial or residential
16 septage from a septic tank for the purpose of further treatment or
17 disposal at another location.

**324.763. 1. (1) All septage pumpers operating in this state shall
2 register with the department. The registration shall be made upon a
3 form furnished by the department and shall include the following:**

4 (a) The septage pumper's commercial name, postal and physical
5 addresses, and telephone number;

6 (b) A list of all counties the septage pumper operates or intends
7 to operate in;

8 (c) The name of the owner or person upon whom process may be
9 served;

10 (d) A signed statement that all representations in the application
11 are made under oath or affirmation; and

12 (e) Be accompanied by a fee, set by the department, at an amount
13 sufficient to recover the cost of processing registrations.

14 The department shall register any septage pumper upon submission to
15 the department of a registration form and fee, and shall provide the
16 septage pumper evidence of registration.

17 (2) The list of counties the septage pumper operates in or intends
18 to operate in, required under subdivision (1) of this subsection, shall
19 not restrict the septage pumper from operating in counties not
20 appearing on the list.

21 (3) It shall be the duty of the septage pumper to notify the
22 department of any changes in the information provided in the
23 registration form.

24 2. A registration issued under subsection 1 of this section shall
25 expire after four years, and shall be renewable upon payment of a
26 renewal fee to be set by the department.

27 3. Any septage pumper operating in this state shall maintain a
28 record of the sites from where the septage has been removed. Upon
29 request, the record shall be made available to the department, the
30 department of health and senior services, or any county health
31 department during the regular business hours at the physical address
32 of the septage pumper. The record shall include the following:

33 (1) The amount of the septage removed to the best estimate of
34 the septage pumper;

35 (2) The date or dates the septage pumper removed the septage;

36 (3) The location where the septage was taken; and

37 (4) The date the septage was discharged. In the event the
38 septage was discharged to a municipal or private treatment plant, the
39 time of discharge shall be recorded.

40 4. In the event that any septage was land-applied, the location or

41 the land application shall be tied to an existing permit.

42 5. Beginning June 1, 2008, and each year thereafter, the
43 department shall provide an updated list of registered septage pumpers
44 to each county health department. The department may comply with
45 this subsection by posting the list on the department's website and
46 giving notice of the posting to each county health department. Such
47 notice may be electronic.

324.766. 1. The department shall promulgate rules necessary for
2 the implementation, administration, and enforcement of sections
3 324.760 to 324.763.

4 2. Any rule or portion of a rule, as that term is defined in section
5 536.010, RSMo, that is created under the authority delegated in this
6 section shall become effective only if it complies with and is subject to
7 all of the provisions of chapter 536, RSMo, and, if applicable, section
8 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
9 and if any of the powers vested with the general assembly pursuant to
10 chapter 536, RSMo, to review, to delay the effective date, or to
11 disapprove and annul a rule are subsequently held unconstitutional,
12 then the grant of rulemaking authority and any rule proposed or
13 adopted after August 28, 2007, shall be invalid and void.

640.237. No claim or assessment of any fine or penalty shall be
2 allowed against a publicly owned wastewater treatment works for
3 exceeding the limits of an applicable National Pollution Discharge
4 Elimination System Permit or state law if the excessive discharge was
5 caused by a sewage treatment malfunction due to the publicly owned
6 wastewater treatment works' acceptance of septage from a septage
7 pumper registered under sections 324.760 to 324.766, RSMo, provided
8 that when the malfunction occurred, the publicly owned wastewater
9 treatment works responded in a reasonable manner to prohibit any
10 additional environmental damage. The publicly owned wastewater
11 treatment works shall have the burden of proving that it acted in a
12 reasonable manner. Nothing in this section shall be construed to
13 reduce any reporting requirement to both the department of natural
14 resources and the U.S. Environmental Protection Agency for the plant
15 failure.